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THE HARLESTON LAW FIRM, LLC

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FAX COVER SHEET**DATE:** April 15, 2005**TO:** Examiner Esther O. Okezie
Art Unit 3654, USPTO

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FROM: Kathleen M. Harleston

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THIS IS PAGE ONE OF 4.**COMMENT:**

Re: Application No. 10/817,621

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PTO/SB/21 (09-04)

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TRANSMITTAL
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Total Number of Pages in This Submission

3

Application Number	10/617,621
Filing Date	April 3, 2004
First Named Inventor	Larry V. Weathers et al.
Art Unit	3654
Examiner Name	Esther O. Okezie
Attorney Docket Number	1130

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> C.U. Number of C.U.(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction/Election Requirement
Remarks		
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Harleston Law Firm, LLC		
Signature	<i>Kathleen M. Harleston</i>		
Printed name	Kathleen M. Harleston		
Date	April 15, 2005	Reg. No.	33,398

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Signature	<i>Kathleen M. Harleston</i>		
Typed or printed name	Kathleen M. Harleston	Date	April 15, 2005

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Attorney Docket No. 1130

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of) Examiner: Esther O. Okezie
LARRY V. WEATHERS ET AL.) Art Unit: 3654
Application No. 10/817,621)
Filed April 3, 2004)
For DEBRIS PACKER APPARATUS)

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction/Election Requirement interposed by the Examiner on March 24, 2005, Applicants elect with traverse to prosecute the claimed invention of "Species IV": FIGS. 12-14. According to the action, Claims 1 and 2 are generic. In addition to Claims 1 and 2, the following are considered readable on the elected species of FIGS. 12-14: Claims 3, 5, 6, and 13-19. The remaining "species" claims are held in abeyance until final disposition of the elected species and claims readable thereon.

Applicants traverse this restriction requirement on the grounds that examination of the species cited would not impose a serious burden on the Examiner. According to MPEP §803, there must be a serious burden on the Examiner if restriction is required. It is believed that the amount of searching for the species listed on page 2 of the Office action would not be appreciably more than the search required for only one of the species. According to MPEP §803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even if the claims are considered to describe independent or distinct inventions. Further, it is

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respectfully suggested that a serious burden on the Examiner has not been *prima facie* shown by appropriate explanation of separate classification, separate status in the art, or different field of search, as defined in MPEP §808.02.

Applicants request allowance of the claims.

Respectfully submitted,

The Harleston Law Firm, LLC

By: Kathleen M. Harleston

Kathleen M. Harleston
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April 15, 2005

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